

PROPOSED RULE AMENDMENTS

Public Hearing:

November 20, 2019 – 10:00 am

Full Commission Vote:

November 22, 2019- 9:00 am

**Wake Technical Community College
Public Safety Training Center
321 Chapanoke Rd.
Raleigh, NC 27502**

Instructions for Oral and Written Comments: The objection, reasons for the objection, and the clearly identified portion of the rule to which the objection pertains, must be submitted in writing to:

Charminique Williams
Department of Justice
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602.



Title: General Instructor Certification, Certification of Diversion Investigators and Supervisors, Minimum Training Specifications: Annual In-Service Training
Agency: Criminal Justice Education and Training and Standards Commission
Contact: Charminique Williams
Impact Summary: State Government: No
Local Government: No
Substantial Impact: No
Small Business: No

12 NCAC 09B .0302 General Instructor Certification

12 NCAC 09B .0314 Certification of Diversion Investigators and Supervisors

12 NCAC 09E .0105 Minimum Training Specifications: Annual In-Service Training

Statutory authority for the rule change: G.S. 17C-6; 17C-10; 17E-4, 90-113.74E.

Amendment: On August 16, 2019, the Criminal Justice Education and Training Standards Commission proposed amendments to the aforementioned rules in order to:

- Specify the requirements for out-of-state applicants for General Instructor certification.
- Specify the certification requirements for Diversion Investigators and Supervisors.
- To provide the in-service training topics in a manual.

- ☐ **State Impact:** None
- ☐ **Local Government Impact:** No
- ☐ **Substantial Economic Impact:** No
- ☐ **Small Business Impact:** No

*Rules begin on the following page

12 NCAC 09B .0302 is proposed for amendment as follows:

12 NCAC 09B .0302 GENERAL INSTRUCTOR CERTIFICATION

(a) A General Instructor Certification issued after December 31, 1984, shall be limited to those topics that are not expressly incorporated under the Specialized Instructor Certification category. Individuals certified under the general instructor category shall not teach any of the subjects specified in Rule .0304 of this Subchapter, entitled "Specialized Instructor Certification." To qualify for issuance of General Probationary Instructor Certification, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional process by meeting the following requirements:

(1) Present documentary evidence showing that the applicant:

(A) is a high school, college, or university graduate or has received a high school equivalency credential as recognized by the issuing state; and

(B) has acquired four years of practical experience as a Criminal Justice Officer, an administrator or specialist in a field directly related to the criminal justice system, or as an employee of a Criminal Justice Agency;

(2) Present evidence showing completion of a Commission-accredited instructor training program or an equivalent instructor training course. ~~course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and~~

(3) Achieve a passing score on the comprehensive written examination administered by the Commission, as required by Rule .0413(d) of this Subchapter.

(b) Applications for General Probationary Instructor Certification shall be submitted to the Standards Division within 60 sixty days of the date the applicant passed the state comprehensive examination administered at the conclusion of the Commission-accredited instructor training program. ~~program or an equivalent instructor training course use the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.~~

~~(c) Persons having completed a Commission-accredited instructor training course or an equivalent instructor training course using the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise, and not having made application within 60 days of completion of the course shall complete a subsequent Commission-accredited instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise, in its entirety.~~

~~(d) Applicants for Speed Measuring Instrument Instructor courses shall possess probationary or General Instructor Certification.~~

(c) Persons having completed a Commission-accredited training course and not having submitted the application within sixty days of the date the applicant passed the state comprehensive examination shall complete a subsequent Commission-accredited instructor training course in its entirety.

1 (d) Out-of-State applicants having completed an equivalent instructor training course and who are certified or have
2 been certified within two years prior to the submission of application to the Standards Division as an instructor in a
3 Criminal Justice Program, as verified by the respective State Police Officer Standards and Training (POST) or Federal
4 Law Enforcement Training Center (FLEC) or military POST organization, are eligible to apply for Probationary
5 Instructor Certification upon achieving a passing score of 75% on the comprehensive written examination
6 administered by the Commission, as required by Rule .0413(d) of this Subchapter. The application shall be submitted
7 to the Standards Division within sixty days of the date the applicant passed the state comprehensive examination.

8 (e) The Standards Division staff shall evaluate the out-of-state applicant's combined training and experience to
9 determine if the combined training and experience is substantially equivalent to or exceeds the requirements for
10 Probationary Instructor certification as prescribed in paragraphs (a)(1-2) of this Rule and includes course topics in
11 instructional leadership, liability, teaching adults, presentation styles and written lesson plan preparation.

12 (f) Applicants for Speed Measuring Instrument Instructor courses shall possess probationary or General Instructor
13 Certification.

14
15 *History Note: Authority G.S. 17C-6.*

16 *Eff. January 1, 1981;*

17 *Amended Eff. February 1, 2020; October 1, 2017; January 1, 2017; February 1, 2016; January 1,*
18 *2015; January 1, 2006; May 1, 2004; August 1, 2000; July 1, 1991; December 1, 1987; October 1,*
19 *1985; January 1, 1985.*

12 NCAC 09B .0314 is proposed for adoption as follows:

12 NCAC 09B .0314 CERTIFICATION OF DIVERSION INVESTIGATORS AND SUPERVISORS

(a) The diversion training courses for investigators and supervisors shall be designed to provide the trainee with the skills and knowledge to proficiently perform the duties of a law enforcement Diversion Investigator or Supervisor. The diversion training course for investigators shall be twenty-four classroom hours. The diversion training course for supervisors shall be administered in a four hour online training course. To be certified as a Diversion Investigator or Diversion Supervisor he or she shall complete the respective diversion training course and achieve a minimum score of 70 percent on the comprehensive written (Investigator) or online (Supervisor) examination.

(b) Only a Sheriff, deputy sheriff, or law enforcement officer certified or appointed through the North Carolina Criminal Justice Education and Training Standards or North Carolina Sheriff Education and Training Standards Commissions and employed by a law enforcement agency shall be enrolled in a diversion training course. Such a trainee shall not be certified as a Diversion Investigator or Diversion Supervisor until the Basic Law Enforcement Training course, pursuant to Rule 09B .0205 of this Chapter, has been completed with passing scores and probationary or general law enforcement certification has been granted. Sheriffs and appointed deputy sheriffs shall be allowed to participate in the diversion training courses on a space available basis at the discretion of the Diversion Training Course School Director without having enrolled in, or having completed with passing scores, the Basic Law Enforcement Training course, pursuant to Rule 09B .0205 and .0206 of this Chapter and without being currently certified in a probationary status or holding justice officer certification.

(c) Those Special Agents with the North Carolina State Bureau of Investigation previously deemed Diversion Investigators as of July 1, 2019, shall be automatically granted certification under this rule for a period of three years.

(d) The "Diversion Training Courses" required for certification, authored by the North Carolina State Bureau of Investigation and published by the North Carolina Justice Academy, shall include the topic areas as outlined in NCGS 17C-6(a)(19) and is to be applied as the basic curriculum for the Diversion Training Courses for Diversion Investigator and Diversion Supervisors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tyron Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and obtained at cost from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

History Note: Authority G.S. 17C-6; G.S. 17E-4, 90-113.74E

Eff. February 1, 2020.

12 NCAC 09E .0105 is proposed for amendment as follows:

**12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING
(EFFECTIVE JANUARY 1, 2020)**

(a) ~~The following topics, specifications, and hours shall be included in each law enforcement officer's annual in-service training courses. For the purposes of this Subchapter, a credit shall be equal to one hour of traditional classroom instruction. All sworn law enforcement officers shall complete a minimum of 24 in-service training credits. Specific topics identified in the Annual In-Service Manual and approved by the North Carolina Criminal Justice Education and Training Standards Commission shall be as published by the North Carolina Department of Justice, Incorporated herein by reference, and shall include any later amendments and editions of the incorporated materials as provided by G.S. 150B-21.6. The publication shall be available from the Commission's website at <https://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>. The following topics, totaling 18 credits, shall be specifically required:~~

- ~~(1) — 2020 Firearms Training and Qualification (4 credits);~~
- ~~(2) — 2020 Legal Update (4 credits);~~
- ~~(3) — 2020 Long-Term Effects of Childhood Adversity (2 credits);~~
- ~~(4) — 2020 The Signs Within: Suicide Prevention Education and Awareness (2 credits);~~
- ~~(5) — 2020 Career Survival: Training and Standards Issues (2 credits);~~
- ~~(6) — 2020 Communication Strategies When Encountering Persons Who are Deaf or Hard of Hearing (2 credits);~~
- ~~(7) — 2020 Armed/Unarmed Security/Company Police: Understanding Their Roles and Authority (2 credits);~~
- ~~(8) — Topics of Choice (12 credits);~~
 - ~~(A) — Hazardous Materials (2 credits);~~
 - ~~(B) — Bloodborne Pathogens (2 credits);~~
 - ~~(C) — Situational Awareness/Subject Control (4 credits); and~~
 - ~~(D) — Law enforcement Threat Assessment (4 credits).~~

(b) ~~All sworn law enforcement officers shall complete a minimum of 6 in-service credits, in topics identified by their respective agency heads. It is possible for a training topic other than the specific topics identified in the Annual In-Service Training Manual to qualify for credit towards officers' Annual In-Service Training requirement. A Department Head. The agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission. Topics delivered pursuant to Rule .0104(1) of this Section and National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year, shall satisfy in part or in whole the topic requirements set forth by the agency department head. To satisfy this requirement these topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission.~~

(c) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Drawer 99
Salemberg, North Carolina 28385

(d) The "In-Service Lesson Plans" published by the North Carolina Justice Academy shall be applied as a minimum curriculum for conducting the annual in-service training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Drawer 99
Salemberg, North Carolina 28385

(e) Lesson plans are designed to be delivered in hourly increments. A student who completes an online in-service training topic shall receive the number of credits that correspond to the number of hours of traditional classroom training, regardless of the amount of time the student spends completing the course.

(f) Completion of training shall be demonstrated by passing a written test for each in-service training topic, as follows:

- (1) A written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. Written courses that are more than four credits in length shall include a written test comprising of a minimum of 20 questions. The Firearms Training and Qualifications in-service course and topics delivered pursuant to Rule .0104(1) of this Section shall be exempt from this written test requirement;
- (2) A student shall pass each test by achieving ~~at least~~ 70 percent correct answers; and
- (3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

1 *History Note: Authority G.S. 17C-6; 17C-10;*
2 *Eff. July 1, 1989;*
3 *Amended Eff. January 1, 2005; November 1, 1998;*
4 *Temporary Amendment Eff. January 1, 2005;*
5 *Amended Eff. January 1, 2019; January 1, 2018; January 1, 2017; July 1, 2016; January 1, 2016;*
6 *January 1, 2015; February 1, 2014; June 1, 2012; February 1, 2011; January 1, 2010; April 1,*
7 *2009; April 1, 2008; February 1, 2007; January 1, 2006;*
8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
9 *2019;*
10 *Amended Eff. January 1, 2021; January 1, 2020.*